



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

US EPA RECORDS CENTER REGION 5



REPLY TO THE ATTENTION OF:

OCT 21 1987

5-CA-TUB-08

C.W. Axce
General Manager
BASF Corporation
1609 Biddle Avenue
Wyandotte, Michigan 48192

Re: Riverview, Michigan site
Administrative Order No. V-W-87-AO-43

Dear Mr. Axce:

In your letter of July 16, 1987, you objected to the U.S. Environmental Protection Agency's Administrative Order of June 30, 1987, stating that the Order contravenes the Consent Decree of July 18, 1984. Specifically, you asserted that "the issue of the need for an NPDES permit for discharges from the surface water drainage ditches on the Riverview Site was raised and decided in the negotiations that led to the entry of the Consent Decree." After a careful review of the Consent Decree and after numerous conversations between members of my staff and staff at U.S. EPA's Office of Regional Counsel, the Michigan Department of Natural Resources, and the Michigan Attorney General's Office, I have concluded that the June 30, 1987 Order is not inconsistent with the 1984 Decree. Hence, BASF has appropriately been required to apply for a NPDES permit for the surface water drainage ditches at the Riverview site.

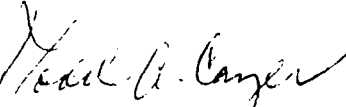
My conclusion that the 1984 Consent Decree creates no impediment to the requirements of the June 30, 1987 Order rests in large part on the different statutes involved. The 1984 Decree represented a settlement under the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq. That Decree in no way insulated BASF from its responsibility to comply with other laws and regulations.

The only specific reference in the Decree to the stormwater runoff appears in Paragraph 5(B)(6). This Paragraph states that MDNR may sample storm water runoff "for parameters and methods of determining whether any future action will be required to

control stormwater discharge." MDNR did sample the stormwater discharge and has shared the results with U.S. EPA. On the basis of those results, U.S. EPA determined, with the advice and approval of MDNR, that further action may be required to control stormwater discharges and that future discharges should be subject to the monitoring and reporting requirement of the NPDES program.

We would welcome an opportunity to discuss the issue of NPDES permitting with you and to share the information we have about discharges from the Riverview Site to the Trenton Channel. Pending such a meeting, we agree to stay the schedule set forth in the June 30, 1987 Administrative Order. Ms. Joan Arthur of my staff or Ms. Bess Schenkier of the Office of Regional Counsel will call you shortly to arrange a convenient time and date for the meeting.

Sincerely,


for Dale S. Bryson
Acting Director, Water Division

cc: Thomas R. Hays, Esq.
BASF Corporation

Larry Fink (5-GL-TUB-10)
Great Lakes National Program Office

Bonnie Eleder (5-HE-230-12) ✓
Remedial Project Manager

Paul Zugger, Chief
Surface Water Quality Division
MDNR

Roy Schrameck, District Supervisor
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Stuart Freeman, Esq.
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